

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

INTEGRATED SUPPLY MANAGEMENT, INC.,  
A MICHIGAN CORPORATION AND B. TOMMY  
LONGEST, AN INDIVIDUAL,

Plaintiffs,

Case No. 06-11886

vs.

HONORABLE MARIANNE O. BATTANI  
HONORABLE STEVEN D. PEPE

CENTRAL PLASTICS COMPANY,  
an Oklahoma corporation

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION TO  
COMPEL RESPONSES AND DEPOSITIONS (DKT. #18)**

On February 6, 2007, Plaintiffs filed their "Motion to Compel Defendant Central Plastics Company's Discovery Response and Depositions" (Dkt. #18). Plaintiffs' motion was referred for hearing and determination pursuant to 28 U.S.C. § 636 (b)(1)(A) (Dkt. #19). On March 29, 2007, a telephonic hearing was held regarding Plaintiffs' motion. For reasons stated on the record and indicated below **IT IS ORDERED THAT:**

1. Counsel for both parties indicated on the record that their agreement to meet and confer on Plaintiffs' requests for documents, and that they anticipated they would be able to resolve all issues without further Court assistance. Therefore, Plaintiffs' motion to compel is rendered moot as it pertains to requests for documents and is hereby **DENIED**. In the event, the

parties are unable to resolve all issues Plaintiffs may file with the Court a short motion to reopen this matter and schedule an expedited hearing, with the brief indicating all of remaining resolved and unresolved issues. Plaintiffs' counsel should contact my courtroom deputy clerk Pete Peltier, 810-341-7887, to schedule an expedited telephonic hearing.

2. Plaintiffs' motion is **GRANTED IN PART AND DENIED IN PART** as it pertains to requests for depositions. In Plaintiffs' motion, they request that the Court set a deposition schedule in Michigan for witnesses Bryan Lucas and James Jolie. For reasons noted on the record and indicated below, it is **ORDERED** that Plaintiffs' request to take the depositions at issue in Michigan is **DENIED**. Yet, Plaintiffs' motion is **GRANTED** as it pertains to the right to schedule those depositions generally.

In Oklahoma, a similar case with identical parties is currently pending before Judge Bryan C. Dixon, titled *Central Plastics Company vs. Integrated Supply Management, Inc. and B. Tommy Longest*, District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2005-9670. Because of the identical parties in the suit currently pending in this Court and the action pending in Oklahoma, it is anticipated that counsel in both states and in both actions can and will cooperate in order to reduce transaction costs of discovery for all parties. To that end, Plaintiff's counsel indicated on the record that she will be traveling to Oklahoma for the purpose of taking the deposition of Ms. Julie Scarletta, and would like to take the depositions of Mr. Bryan Lucas and Mr. James Jolie at that time. In order to proceed in the most expedient and efficient manner possible, Defendant Central Plastics Company is **ORDERED** through its counsel in this case, Mr. Moran, to coordinate with its counsel in the District Court of Oklahoma County case to ensure that all 3 deposition can be taken in close proximity, thereby eliminating

the need for Plaintiffs' counsel to make multiple trips to Oklahoma for depositions. If necessary the undersigned will make contact with Judge Dixon to seek his cooperation in scheduling.

It is **FURTHER ORDERED** that Defendant's counsel shall provide Plaintiffs with all requests for documents that Plaintiffs' counsel shall require in order to prepare for those depositions in a reasonable time period prior to the date of the scheduled depositions at issue.

3. The parties indicated on the record that they shall submit a stipulated order that modifies the scheduling order to provide sufficient time for dispositive motions and the submission of expert reports.

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

**SO ORDERED.**

Date: March 30, 2007  
Flint, Michigan

s/Steven D. Pepe  
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2007, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: Marie T. Racine, C. Douglas Moran, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: not applicable

s/ James P. Peltier  
James P. Peltier  
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